

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x : ENTESAR OSMAN KASHEF et al., : Plaintiffs, : -against- : BNP PARIBAS SA, et al., : Defendants. : ----- x	: : <u>ORDER REGULATING</u> <u>PROCEEDINGS</u> : 16 Civ. 3228 (AKH) : :
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ALVIN K. HELLERSTEIN, U.S.D.J.:

A conference was held on October 29, 2024 to discuss issues regarding class definition, the pending motion to compel *Touhy* requests, appointment of a notice administrator, form notices, questionnaires, discovery, and scheduling:

- 1) The class is defined as follows: All refugees or asylees admitted by the United States who formerly lived in Sudan or South Sudan between November 4, 1997 and December 31, 2011.
- 2) Class Counsel and the Government shall submit a proposed order to compel disclosure of potential class members' contact information, containing last known names, phone numbers, and addresses, as recorded on the Central Index System 2 ("CIS 2") database maintained by the U.S. Department of Homeland Security. This proposed order shall contain provisions to assure privacy and confidentiality of potential class members. The Government's objections pursuant to 5 U.S.C. § 522a(b)(11) and 8 C.F.R. § 208.6 are overruled. The Order to be entered shall reasonably and adequately safeguard individuals' privacy and accomplish the goals of the statute and regulation. This proposed order shall be submitted to the Court by November 12, 2024.

- 3) The parties shall submit a proposed order appointing Epiq Class Action & Claims Solutions, Inc. ("Epiq") as the notice administrator, accountable to the Court, for providing requisite notice pursuant to Fed. R. Civ. P. 23(c)(2) and to safeguard the confidentiality of the individuals notified and the information gained from said individuals. Epiq shall file an affidavit showing information how they will accomplish their tasks, which individuals will be performing work pertaining to this case, and how information will be safeguarded to protect privacy and confidentiality and prevent misuse. Names must be filed under seal with the Court. Envelopes sent out by the notice administrator via U.S. Postal Mail shall name the intended recipient and shall bear the return address of the notice administrator, without further identifying information. In addition, this proposed order shall delineate dates for which the notice administrator must provide updates to the Court. The proposed order and accompanying affidavit shall be submitted to the Court by November 12, 2024.
- 4) The parties shall continue to meet and confer as to the contents of the Form Notices. No list of injuries shall be included on the Notices. Class Counsel may continue to use their established domain, www.kashefvbnpp.com, for the Notices, provided it contains a neutral and impartial recitation of the facts. A Post Office box shall be established for submissions of the Form Notices, which will be transmitted to the Special Master. The Form Notices shall contain an assurance that information provided will be safeguarded, and shall also contain the Court's certified common questions, *see* ECF No. 505 ¶ 2.
- 5) Defendants' request to take additional discovery on class issues is denied.
- 6) The Court will appoint a Special Master for this case, who will, with counsel, develop a questionnaire to elicit information related to damages of class members. The questionnaires shall be completed under oath, *see* Fed. R. Civ. P. 33(b)(3), and the parties shall develop a protocol to instruct interpreters to maintain neutrality.

7) Trial will begin on September 8, 2025. A Final Pre-Trial Conference will be held on September 3, 2025 at 10:30 a.m. in Courtroom 14D.

The next status conference is scheduled for November 18, 2024 at 11:00 a.m. in Courtroom 14D.

SO ORDERED.

Dated: October 30, 2024
New York, New York



ALVIN K. HELLERSTEIN
United States District Judge